

State of Maine
Board of Licensure in Medicine
137 SHS, 161 Capitol Street
Augusta, Maine 04333-0137
Minutes of June 10, 2014
INDEX

I. Call to Order	1
II. Complaints	
1. CR 12-34	2
2. CR 14-34	2
3. CR 14-35	2
4. CR 14-49	2
5. CR 14-45	2
6. CR12-51	2
7. CR13-169	3
8. CR 13-217 Robert S. LaMorgese, M.D.	3
9. CR 14-6	3
10. CR 14-20	3
11. CR 14-37	3
12. CR 14-47	4
13. CR 14-58	4
14. Intentionally Left Blank	
15. Intentionally Left Blank	
III. Assessment and Direction	
16. AD14-79	4
17. AD14-92	4
18. AD14-93	4
19. AD14-94 (CR 14-106)	4
20. Intentionally Left Blank	
21. Intentionally Left Blank	
22. Pending Hearing and Conference Report	5
23. Consumer Assistant Feedback	5
24. Physician Feedback (none)	
IV. Informal Conferences	
A. CR 14-26/14-48 Floyd D. Hockersmith, M.D.	5
B. CR 12-225	5
V. Minutes of May 13, 2014	5
VI. Board Orders & Consent Agreement Monitoring and Approval	
A. Board Orders (none)	
B. Consent Agreement Monitoring and Approval	
1. Alexandria E. Nesbit, P.A.-C	6
2. Andrew S. Nicholson, M.D.	6
VII. Adjudicatory Hearing 1:00 p.m. – Motion for Continuance Granted	6
VIII. Remarks of Chairman (none)	
IX. Executive Director’s Monthly Report	6

A.	MPHP Report	6
B.	Recovery of Investigative Costs Policy	6
X.	Complaint Status Report	6
XI.	Medical Director's Report (none)	
XII.	Remarks of Assistant Attorney General (none)	
XIII.	Secretary's Report	
A.	List A	
1.	M.D. List A Licenses for Ratification	7 - 8
2.	P.A. List A Licenses for Ratification	8
B.	List B Applications for Individual Consideration	
1.	Victor Rodriguez, M.D.	8
2.	Sharmane M. Gray, M.D.	9
C.	List C Applications for Reinstatement	
1.	List C Applications for Reinstatement for Ratification	9
2.	List C Applications for Reinstatement for Individual Consideration (none)	
D.	List D Withdrawals	
1.	List D (1) Withdraw License Application	
a.	Floyd D. Hockersmith, M.D.	9
2.	List D (2) Withdraw License from Registration	9 - 10
3.	List D (3) Withdraw License from Registration - Individual Consideration (none)	
E.	List E Licenses to lapse by operation of law	10
F.	List F Licensees requesting to convert to active status (none)	
G.	List G Renewal applications for review (none)	
H.	List H. Physician Assistant Schedule II Authority Requests for Ratification	
1.	Applications to Renew Schedule II Authority	10 - 11
2.	Applications for New Schedule II Authority	11
XIV.	Standing Committee Reports	
A.	Administration, Policy and Rules Committee	11
B.	Special Projects and Clinical Evaluation Committee	
1.	Telemedicine Policy	11
C.	Physician Assistant Advisory Committee	12
XV.	Board Correspondence (none)	
XVI.	FSMB Business	12
XVII.	Adjournment 2:06 p.m.	12

**State of Maine
Board of Licensure in Medicine
137 SHS, 161 Capitol Street
Augusta, Maine 04333-0137
Minutes of June 10, 2014**

Board Members Present

David D. Jones, M.D., Board Secretary
David R. Andrews, M.D.
Cheryl Clukey
David H. Dumont, M.D.
Dana D. Dyer
David Nyberg, Ph.D
Christopher Ross, P.A.-C
Peter J. Sacchetti, M.D.
M. Louisa Barnhart, M.D.

Board Staff Present

Randal C. Manning, Executive Director
Mark Cooper, M.D., Medical Director
Maureen S. Lathrop, Administrative Assistant
Kathryn Levesque, Investigator
Tim Terranova, Assistant Executive Director

Attorney General's Office Staff

Dennis Smith, Assistant Attorney General
Detective James Gioia, Attorney General's Office

The Board meets in public session with the exception of the times listed below, which are held in executive session. Executive sessions are held to consider matters which, under statute, are confidential (1 M.R.S. §405) and 10 M.R.S.A. §8003-B, and 22 M.R.S. § 1711-C). The Board moved, seconded, and voted the following executive session times. During the public sessions of the meeting, actions are taken on all matters discussed during executive session.

EXECUTIVE SESSIONS

PURPOSE

9:03 a.m. – 10:23 a.m.	Informal Conference
10:38 a.m. – 11:02 a.m.	Complaints
11:05a.m. – 11:36 a.m.	Informal Conference
11:38 a.m. – 12:12 p.m.	Complaints
12:48 p.m. – 1:11 p.m.	Complaints

I. Call to Order

Dr. Jones called the meeting to order at 9:02 a.m.

A. Amendments to Agenda (none)

B. Scheduled Agenda Items

9:00 a.m.	CR14-26/14-48 Informal Conference
11:00 a.m.	CR12-225 Informal Conference
1:00 p.m.	Adjudicatory Hearing – Motion for Continuance granted

II. Complaints

1. CR12-34

Dr. Barnhart moved to investigate further. Mr. Ross seconded the motion, which passed 8-0-0-1 with Dr. Jones recused.

2. CR14-34

Dr. Dumont moved to investigate further. Dr. Sacchetti seconded the motion, which passed 8-0-0-1 with Dr. Andrews recused.

3. CR14-35

Dr. Dumont moved to dismiss the complaint. Dr. Barnhart seconded the motion, which passed unanimously.

MOTION: The deceased patient's brother complains that the physician mismanaged his sister's prescription, and because of this she died of an overdose. The physician saw the patient only twice, five years before her death, and wrote only a one-month refill for a standing prescription while covering for the patient's provider. This physician is not linked in any way with the patient's death.

4. CR14-49

Dr. Dumont moved to dismiss the complaint. Dr. Nyberg seconded the motion, which passed 8-0-0-1 with Dr. Andrews recused.

MOTION: This is a case that had previously been referred to the Board of Licensure in Medicine by another state agency. The case had been thoroughly reviewed at that time and the Board was concerned about the quantity of opioids the patient had in her possession. The Board issued a letter of guidance in February 2014 emphasizing vigilance in the prescribing of controlled substances. No new information has been brought forth and hence this complaint is dismissed as the case has been previously dealt with.

5. CR14-45

Dr. Jones moved to investigate further. Dr. Dumont seconded the motion, which passed unanimously.

6. CR12-51

Ms. Clukey moved to investigate further. Dr. Andrews seconded the motion, which passed unanimously.

7. CR13-169

Mr. Dyer moved to order an Informal Conference and direct the licensee to undergo a §3286 evaluation. Dr. Sacchetti seconded the motion, which passed 8-0-0-1 with Dr. Dumont recused.

8. CR13-217 Robert S. La Morgese, M.D.

Mr. Ross moved to dismiss the complaint with a letter of guidance. Dr. Andrews seconded the motion, which passed unanimously.

MOTION: The patient complains that her medical records indicated a diagnosis of anemia but this was never evaluated. The physician responded that he was focused on her complaints of back pain and not the abnormal CBC.

The letter of guidance will encourage the physician to recognize the importance of evaluating any significant abnormal test results that are presented.

9. CR14-6

Dr. Sacchetti moved to dismiss the complaint. Dr. Nyberg seconded the motion, which passed unanimously.

MOTION: The patient insinuates that his surgeon's carelessness at the time of his cataract surgery resulted in infection followed by permanent loss of vision. The risk for nosocomial infection was greatly increased by the patient's non-compliance with preoperative antibiotic eye drops. This fact was not disclosed until after the operation. The poor outcome, though regrettable, was not due to a lapse in protocol on the part of the surgeon or the surgical team.

10. CR14-20

Dr. Andrews moved to investigate further. Dr. Dumont seconded the motion, which passed 8-1-0-0.

11. CR14-37

Mr. Ross moved to dismiss the complaint. Mr. Dyer seconded the motion, which passed unanimously.

MOTION: The patient, who is subject to institutional care, complains the physician assistant did not appropriately treat his head laceration and did not renew a medication. The physician assistant responded by explaining her care of the laceration. She states the medication was a limited prescription without refills written by another provider. She did not feel the patient's condition warranted a refill at the time she saw him. A review of the medical records reveals appropriate care.

12. CR14-47

Ms. Clukey moved to dismiss the complaint. Dr. Nyberg seconded the motion, which passed unanimously.

MOTION: A patient's mother complains about the care her son received from an emergency room physician regarding the prescribing of medication. Review of the physician's response and the emergency room records reveals reasonable care which was complicated by the fact that the patient was in the process of changing primary care providers. The patient and his brother left the emergency department before completion of the evaluation which did not allow further resolution of the issues.

13. CR14-58

Dr. Nyberg moved to investigate further. Dr. Sacchetti seconded the motion, which passed unanimously.

14. Intentionally left blank

15. Intentionally left blank

III. Assessment & Direction

16. AD14-79

Dr. Dumont moved to file the issue. Dr. Nyberg seconded the motion, which passed unanimously.

17. AD14-92

Dr. Andrews moved to file the issue. Dr. Barnhart seconded the motion, which passed unanimously.

18. AD14-93

Dr. Nyberg moved to table the issue. Mr. Dyer seconded the motion, which passed unanimously.

19. AD14-94

Ms. Clukey moved to issue a complaint (CR14-106). Dr. Barnhart seconded the motion, which passed unanimously.

20. Intentionally left blank

21. Intentionally left blank

22. Pending Adjudicatory Hearing and Informal Conference Report

The Board reviewed the report.

23. Consumer Assistant Feedback

The Board reviewed the feedback.

24. Physician Feedback (none)

IV. Informal Conferences

A. CR14-26/14-48 Floyd D. Hockersmith, M.D.

Following the Informal Conference, Dr. Jones moved to dismiss both complaints with a letter of guidance. Dr. Nyberg seconded the motion, which passed 8-1-0-0.

MOTION: In the matter of CR14-26, the patient, who is subject to institutional care, complains that he was prescribed inappropriate medication and prevented from using therapeutic devices. The physician explained his care and rationale for the treatment.

In the matter of CR14-48, the patient, who is subject to institutional care, complains that the physician acted unprofessionally during a visit. The Board was concerned that the physician's response to the complaint lacked professionalism. The physician admitted that his response to the complaint reflected his frustration with the health care system in which he worked.

The letter of guidance will encourage the physician to: 1) recognize the importance of medical record documentation; 2) be aware of drug interactions when prescribing; 3) recognize the importance of a patient's medical history and allergies when prescribing; and 4) consider the type of work and work place environment that best suits his personality and skills.

B. CR12-225

Following the Informal Conference, Dr. Andrews moved to investigate further. Dr. Sacchetti seconded the motion, which passed 8-0-0-1 with Dr. Jones recused.

Public Session

V. Minutes of May 13, 2014

Dr. Dumont moved to approve the minutes of the May 2014 meeting. Mr. Ross seconded the motion, which passed 7-0-2-0 with Dr. Barnhart and Dr. Sacchetti abstaining.

VI. Board Orders & Consent Agreement Monitoring and Approval

A. Board Orders (none)

B. Consent Agreement Monitoring and Approval

1. Alexandria Nesbit, P.A.-C

Informational update.

2. Andrew S. Nicholson, M.D.

Mr. Dyer moved to deny Dr. Nicholson's request to meet with the Board. Ms. Clukey seconded the motion, which passed unanimously.

VII. Adjudicatory Hearing – Motion for Continuance Granted

VIII. Remarks of Chairman (none)

IX. Executive Director's Monthly Report

The Executive Director introduced Sara Poirier, a college student who will be working at the Board office this summer while participating in a state government internship program. The Board reviewed and accepted the report of the Executive Director.

A. MPHP Report

The Board discussed MPHP protocol and requested that staff obtain statistical information to be presented at a future meeting.

B. Recovery of Investigative Costs Policy

After review of the draft policy regarding Recovery of Investigative Costs, Dr. Andrews moved to accept the policy. Mr. Ross seconded the motion, which passed unanimously.

X. Complaint Status Report

As of June 1, 2014, there are eighty-one (81) complaints outstanding. Seventy-six (76) have been received year-to-date and seventy-one (71) have been closed so far this year.

XI. Medical Director's Report (none)

XII. Remarks of Assistant Attorney General (none)

XIII. Secretary's Report**A. List A. Licenses for Ratification****1. M.D. List A. Licenses for Ratification**

Dr. Sacchetti moved to ratify the Board Secretary's approval of the physician license applications on List A. Ms. Clukey seconded the motion, which passed unanimously.

The following license applications have been approved by Board Secretary David D. Jones, M.D. without reservation.

<u>NAME</u>	<u>SPECIALTY</u>	<u>LOCATION</u>
Alghothani, Nael	Internal Medicine	Not Listed
Al-Hojerry, Keenan M.	Family Medicine	Not Listed
Arnold, Richard E.	Pediatrics	Farmington
Breckwoldt, Reid D.	Diagnostic Radiology	Telemedicine
Casa Reyes, Carlos E.	Neurosurgery	Lewiston
Chalmers, David J.	Urology	Portland
Crabtree, Brian K.	Internal Medicine	Brunswick
Daly, Meaghan E.	Dermatology	Portland
D'Ambrosio, Carolyn M.	Internal Medicine	Lewiston
David, James M.	Internal Medicine	Bangor
Della Bella, Peter	Psychiatry	Bangor
Diminick, Noah	Pediatrics	Portland
Fischer, Oscar	Anesthesiology	Farmington
Frushour, Stephen J.	Orthopedic Surgery	Machias
Godara, Geeta	Internal Medicine	Lewiston
Greywoode, Beryl M.	Pediatrics	Farmington
Gutmann, Daniel L.	Emergency Medicine	Portland
Houni, Aimen	Anesthesiology	Bangor
Jacobson, Leslie	Diagnostic Radiology	Not Listed
Kelts, Eric A.	Psychiatry/Neurology	Waterville
Kennedy, Kate F.	Internal Medicine	Portland
Langenkamp, Paul	Emergency Medicine	Houlton
Lathari, Aydin A.	Internal Medicine	York
Lyons, Richard G.	Emergency Medicine	Lewiston
Mathur, Vinita	A&C Pathology	Telemedicine
Mazzoni, Paola	Psychiatry	Bangor
McGuire, Kevin R.	Family Medicine	Skowhegan
Meesa, Indu Rekha	Diagnostic Radiology/Teleradiology	Bangor
Melendez, Jorge A.	Surgery	Not Listed
Michaels, Todd M.	Family Medicine	Portland

O'Hara, Tracy A.	Internal Medicine	York
Parker, Bessant A.	Internal Medicine	Bangor
Parris, Amy E.	OB/GYN	York
Poppell, Charles D.	Anesthesiology	Lewiston
Powell, Amanda	Internal Medicine	Gardiner
Roberts, Richard	A&C Pathology	Telemedicine
Sawyer, Gregory A.	Orthopaedic Surgery	Portland
Serra, Alexander	Internal Medicine	Telemedicine
Sherman, Judith M.	Psychiatry	Portland
Singh, Neena K.	Surgery	Portland
Spikol, Louis E.	Family Medicine	Caribou
Thompson, Robert. A.	Internal Medicine	Not Listed
Tryzelaar, Liesbeth I.	Internal Medicine	Rockport
Wagner, William M.	Emergency Medicine	Lewiston
Wellen, Shari L.	Pediatric Cardiology	Scarborough
Wilson, Jason W.	Emergency Medicine	Lewiston
Whitney, Frank E.	Orthopedic Surgery	Waterville
Wilkerson, James	Orthopedic Surgery	Portland
Wong, Donovan A.	Psychiatry	Bangor
Wong, Henry C.	Psychiatry	Bangor
Wong, Kit Yue	Psychiatry	Rockport
Zavotsky, Diane	Family Medicine	Not Listed

2. P.A. List A. Licenses for Ratification

Dr. Sacchetti moved to ratify the Board Secretary's approval of the physician assistant license applications on P.A. List A. Mr. Ross seconded the motion, which passed unanimously.

The following physician assistant license applications have been approved by Board Secretary David D. Jones, M.D. without reservation.

<u>NAME</u>	<u>LICENSE</u>	<u>PSP</u>	<u>LOCATION</u>
Barnum, Bernadette	Inactive	None	None
Woolsey, Cheryl	Inactive	None	None

B. List B. Applications for Individual Consideration

1. Victor Rodriguez, M.D.

The Licensure Committee moved to table the discussion pending receipt of further information. The motion passed unanimously.

2. Sharmane M. Gray, M.D.

The Licensure Committee moved to grant a temporary license to Dr. Gray. The motion passed unanimously.

C. List C. Applications for Reinstatement

1. List C. Applications for Reinstatement

Dr. Dumont moved to ratify the Board Secretary's approval of the reinstatement application on List C. Dr. Sacchetti seconded the motion, which passed unanimously.

The following license application has been approved by Board Secretary David D. Jones, M.D. without reservation.

<u>NAME</u>	<u>SPECIALTY</u>	<u>LOCATION</u>
Marble, Kimberly R.	Plastic Surgery	York

2. List C. Applications for Reinstatement for Individual Consideration (none)

D. List D. Withdrawals

1. List D. Withdraw License Application

a. Floyd D. Hockersmith, M.D.

Mr. Dyer moved to allow Dr. Hockersmith to withdraw his license application. Dr. Nyberg seconded the motion, which passed unanimously.

2. List D. Withdraw License from Registration

Dr. Andrews moved to approve the licensees' requests on List D (2) to withdraw from registration. Mr. Ross seconded the motion, which passed unanimously.

The following licensees have applied to withdraw their licenses from registration.

<u>NAME</u>	<u>LICENSE NUMBER</u>
Arla, Straight Line	MD18999
Bloom, Fred	MD7673
Bray, Emily	MD11799
Higgins, Charles	MD10284
Kelly, Michael	MD12511
Moore, Conner	MD6107
Morros, Costantine	MD15831
Olin, Fred	MD17522

Smith, Steven A.
Zarko, Michelle

MD17701
PA1359

3. List D. Withdraw License from Registration - Individual Consideration (none)

E. List E. Licenses to Lapse by Operation of Law

The following licenses lapsed by operation of law effective May 12, 2014.

<u>NAME</u>	<u>LICENSE NUMBER</u>
Agarwal, Satish	MD8093
Brandon, William Robert	MD18600
Bush, Michael	MD15400
Edwards, Dianna J.	PA1154
Gall, Robert	MD18478
Hashmi, Haseeb	MD17390
Healy, James	MD7283
Herbst, Melissa	MD18633
Kavanagh, Joseph	MD17415
Kubina, Anne	MD19385
Limbacher, John	MD16394
McInerney, Meghan	MD18530
Moore, Eric	MD18291
Oxenhandler, Donald	MD19056
Pasternak, Irwin	MD5810
Riccardi, Patrizia	MD19144
Roehlk, Michael	MD19181
Secrist, Lee	MD16758
Sherrill, Katharine A.	PA494
Shiblee, Towhid	MD18654
Stahl, Brandon	MD18214
Stuart, Shauna	MD19026

F. List F. Licensees Requesting to Convert to Active Status (none)

G. List G. Renewal Applications for Review (none)

H. List H. Physician Assistant Schedule II Authority Requests for Ratification

1. Applications to Renew Schedule II Authority

Mr. Ross moved to ratify the Board Secretary's approval of the following renewal requests for Schedule II prescribing authority. Ms. Clukey seconded the motion, which passed unanimously.

The following renewal requests for Schedule II prescribing authority have been approved by Board Secretary David D. Jones, M.D. without reservation.

<u>NAME</u>	<u>PSP</u>	<u>LOCATION</u>
Bosinske, Amy	Curtis, Michael	Brunswick
Haynes, Nathan	White, Raymond	Portland
Jordan, Damon	Barth, Konrad	Scarborough
Payne, David	Ray, Katherine L.	Westbrook
Picard, Matthew	Morrione, Thomas	Portland
Weferling, Marie	Leather, Gregory	Rockport

2. Applications for New Schedule II Authority

Mr. Ross moved to ratify the Board Secretary's approval of the following requests for Schedule II Authority. Dr. Dumont seconded the motion, which passed unanimously.

The following new requests for Schedule II prescribing authority have been approved by Board Secretary David D. Jones, M.D. without reservation.

<u>NAME</u>	<u>PSP</u>	<u>LOCATION</u>
Green, Dana	LaRocco, Richard	Ellsworth
Johnston, Wendy	Alexander, Joseph	Scarborough
Minzy, Courtney	Cushing, Brad	Portland
Rice, Erica	Nicolosi, Alfred	Portland
Roy, Jared	Langburd, Alan	Lewiston
Trosper, Ryan	Panozzo, Shashi	Lewiston

XIV. Standing Committee Reports

A. Administration, Policy and Rules Committee

Dr. Andrews moved to authorize an available one percent (1%) cost of living increase for the Executive Director of the Board. Mr. Dyer seconded the motion, which passed unanimously.

B. Special Projects and Clinical Evaluation Committee

Dr. Barnhart moved to accept the proposed Telemedicine Policy as amended. Dr. Sacchetti seconded the motion, which passed unanimously.

C. Physician Assistant Advisory Committee

Ms. Clukey and Mr. Ross reported on the discussion at the June 2014 Physician Assistant Advisory Committee meeting regarding proposed changes to Chapter 2 rules. It was recommended that the proposed Joint Chapter 2 rules be tabled pending a legislative solution to physician assistants holding a single license.

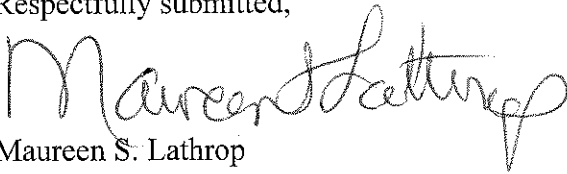
XV. Board Correspondence (none)

XVI. FSMB Business (FYI)

XVII. Adjournment 2:06 p.m.

Dr. Andrews moved to adjourn the meeting. Mr. Ross seconded the motion, which passed unanimously.

Respectfully submitted,

A handwritten signature in cursive script, reading "Maureen S. Lathrop". The signature is written in dark ink and is positioned above the printed name and title.

Maureen S. Lathrop
Administrative Assistant